IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 4322 of 2005

Between:

K.Venkataramana, s/o K.Sikhamani,
R/o D.No.22-1143, Kongareddy Palli, Chittoor,
Chittoor District.

..... PETITIONER

AND

1 Union of India, rep., by its Secretary, Law Department,
Central Secretariat, New Delhi-1.
2 Govt. of Andhra Pradesh, rep., by its Secretary, General
Administration (Service-A) Department,
Secretariat, Hyderabad-4.
3 The District and Sessions Judge, Chittoor District,
Chittoor.

..RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring Section 108 of Indian Evidence Act 1872 prescribing 7 years for a missing person to be deemed dead is no more a good law, consequently to set aside the circular memo No.60681/Aer.A.2003 dt.12-08-2003 issued by respondent No.2 as arbitrary, illegal, violative of Articles 14 and 16 of the Constitution of India and further declare that the petitioner can be considered for appointment to any Group-D post under R-3 on compassionate

grounds.

Counsel for the Petitioner: MR.C.M.R.VELU

Counsel for the Respondent No.1: MR.A.RAJASEKHAR REDDY, ASSISTANT SOLICITOR GENERAL

Counsel for the Respondent No.2: GP FOR LAW & LEGISLATIVE AFFAIRS

Counsel for the respondent No.3: SMT. M.BHASKARALAKSHMI, SC FOR HIGH COURT OF A.P.

The Court made the following:

ORDER: (Per BRSR,J)

The impugned Circular, in our considered opinion, does not suffer from any infirmity requiring interference of this Court. The question of considering appointment on compassionate grounds does not arise in view of the law laid

down by this Court in ***GOVERNMENT OF ANDHRA PRADESH*** Vs. ***D.GOPAIAH.***

The writ petition shall accordingly stand dismissed.

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B. SUDERSHAN REDDY,J.

Date: 21.03.2005.

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C.V. RAMULU, J.

GS/KS

To

1 The Secretary, Union of India, Law Department,
Central Secretariat, New Delhi-1.

2 The Secretary, Govt. of Andhra Pradesh,
General Administration (Service-A) Department,
Secretariat, Hyderaba-4.

3 The District and Sessions Judge, Chittoor District,
Chittoor.

4 Two C.D. Copies.